

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of:	)	Examiner: To Be Assigned
	)	
Rocs, Michael A.	)	Group Art Unit: To Be Assigned
	)	
Serial No.: U.S. National Stage of	)	
PCT/US05/02363	)	Docket No.: 8042-002-US
	)	
Filed: Herewith	)	Date Mailed: August 8, 2006
	)	
For: DIGITAL WEIGHT APPARATUS	)	
HAVING A BIOMETRICS BASED	)	
SECURITY FEATURE	)	
	)	

**TRANSMITTAL LETTER**

Honorable Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This submission is to effect entry of PCT Application PCT/US05/02363 into the United States National Stage under 35 U.S.C. § 371 and 37 C.F.R. § 1.495.

Accordingly, the following documents are transmitted:

- (1) A transmittal letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Submission Under 35 USC 371 (3 pages);
- (2) A copy of the above-identified PCT application. Because the above-identified PCT application was filed in the United States Patent and Trademark Office, the copy is not required under 37 C.F.R. § 1.495(b)(i). The copy is provided for convenience (18 pages);

(3) A Preliminary Amendment under 37 C.F.R. § 1.121 to amend the specification of the above-identified application for entry into the United States National Stage (3 pages);

(4) Substitute Specification "Marked Up" – Attachment A (14 pages);

(5) Substitute Specification "Clean" – Attachment B (14 pages);


(6) An Application Data Sheet Under 37 CFR § 1.76 giving biographical information on the inventors of the above-identified application as well as details of the claim for priority based on a previously-filed provisional application (2 pages); and

(7) A copy of the Combined Declaration and Power of Attorney Under 37 CFR §1.63 (2 pages).

Priority under 35 U.S.C. §§ 119 and 365 is hereby claimed for the national stage application. This priority is claimed to: (1) PCT Application No. PCT/US05/02363, filed on January 27, 2005, and designating the United States; and (2) United States Provisional Application Serial No. 60/543,057, filed on February 9, 2004.

Respectfully submitted,

Date: August 8, 2006

  
\_\_\_\_\_  
David M. Kohn, J.D.  
Reg. No.: 53,150

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**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US)  
CONCERNING A SUBMISSION UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

8042-002-US

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

INTERNATIONAL APPLICATION NO.  
PCT/US05/02363INTERNATIONAL FILING DATE  
January 27, 2005PRIORITY DATE CLAIMED  
February 9, 2004TITLE OF INVENTION  
DIGITAL WEIGHT APPARATUS HAVING A BIOMETRICS BASED SECURITY FEATUREAPPLICANT(S) FOR DO/EO/US  
ROES, Michael A.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☒ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
3. ☒ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
4. ☒ The US has been elected (Article 31).
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - a. ☒ is attached hereto (required only if not communicated by the International Bureau).
  - b. ☒ has been communicated by the International Bureau.
  - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US).
6. ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is attached hereto.
  - b. ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are attached hereto (required only if not communicated by the International Bureau).
  - b. ☐ have been communicated by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☒ have not been made and will not be made.
8. ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Items 11 to 20 below concern document(s) or information included:**

11. ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A preliminary amendment.
14. ☒ An Application Data Sheet under 37 CFR 1.76.
15. ☒ A substitute specification.
16. ☒ A power of attorney and/or change of address letter.
17. ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
18. ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
19. ☐ A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)		INTERNATIONAL APPLICATION NO. PCT/US05/02363		ATTORNEY'S DOCKET NUMBER 8042-002-US	
20. Other Items or Information:					
The following fees have been submitted				CALCULATIONS PTO USE ONLY	
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a))..... \$300				\$	300
22. <input checked="" type="checkbox"/> Examination fee (37 CFR 1.492(c))				\$	200
If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0					
All other situations..... \$200					
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b))				\$	100
If the written opinion of the ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4)..... \$0					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority..... \$100					
International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB..... \$400					
All other situations..... \$500					
TOTAL OF 21, 22 and 23 =				\$	600
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE	
- 100 =	/50 =			x \$250	\$
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$	
CLAIMS		NUMBER FILED		RATE	\$
Total claims	20	- 20 =	0	x \$ 50	\$
Independent claims	2	- 3 =	0	x \$200	\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360	\$
TOTAL OF ABOVE CALCULATIONS =				\$	600
<input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/3.				\$	300
SUBTOTAL =				\$	300
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				+	\$
TOTAL NATIONAL FEE =				\$	300
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				+	\$
TOTAL FEES ENCLOSED =				\$	300
				Amount to be refunded:	\$
				Amount to be charged	\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☒ Please charge my Deposit Account No. 502235 in the amount of \$ 300 to cover the above fees.  
A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 502235. A duplicate copy of this sheet is enclosed.
- d. ☐ Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

CATALYST LAW GROUP, APC  
9710 SCRANTON ROAD, SUITE 170  
SAN DIEGO, CA 92121

  
SIGNATURE

David M. Kohn, J.D.

NAME

53,150

REGISTRATION NUMBER